

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

WILLIE J. WHITFIELD,

Plaintiff,

V.

ITRON, INC., et al.,

Defendants.

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**CIVIL ACTION NO. H-08-cv-2454**

## ORDER

Before the Court is Defendants' Motion to Dismiss. (Doc. No. 11.) Plaintiff has not filed a Response to Defendants' Motion. On May 15, 2009, the Court held a hearing and gave Plaintiff an additional ten days to respond to Defendants' Motion. Since Plaintiff has failed to respond, Defendants' Motion to Dismiss is **GRANTED**. Plaintiff's claims are **DISMISSED WITHOUT PREJUDICE**.

**IT IS SO ORDERED.**

**SIGNED** at Houston, Texas, on this the 15 day of June, 2009.

KEITH P. ELLISON  
UNITED STATES DISTRICT JUDGE

**TO ENSURE PROPER NOTICE, EACH PARTY WHO RECEIVES  
THIS ORDER SHALL FORWARD A COPY OF IT TO EVERY  
OTHER PARTY AND AFFECTED NON-PARTY EVEN THOUGH  
THEY MAY HAVE BEEN SENT ONE BY THE COURT.**